App. F. IX-4

Previous References
Law 81-30-1-4

1930.31
(Law.)

File No. 81-30
Serial Nos. 5

Later References
Law 164-31-1 & 2
" 31-35-1 & 5

(IX)

General and Revenue Secretariat.

Serial Nos. One

Part B for July 1931.

SUBJECT.

Engaging the services of Mr. D. G. Narayana Iyengar Advocate Shimoga for the defence of two appeals filed against Mr Swami of the Sri Bhimana Katte Mutt in the High Court of Mysore.

(RA 32-1930-31)

---

5) To Mr. Muz. Comr.
Comptroller

No. P2407-8 dt 6.8.31
Sanctions the proposals of the Muz. Comr. to pay a sum of Rs 1000/- to Mr. D. G. Narayana Iyengar Advocate.

Mr. Abdul Aziz
12-8-31.

General and Revenue Secretariat | Mz File No. 293 of 1930

Serial No.	
	11 Issue of Ltr G.S. Mok 4/5' H. Secy) 7/5 2.5.31 7/5 12/5 12) Issue 4.5.31
2	G.O. No 2407-8 dy 6-5-1931 sanctioning the proposals of the Mazrai Commissioner to advance a sum of Rs 1000/- to Mr. T. G. Narayana Iyengar Advocate referred to therein Vide para 60. Return of the file is requested. Hence the file may now be returned to Law Secty. GS Mok Law Secretariat 12/5' Law Secty) 12.5.3
	Further proceedings of the appeals have to be watched. This may be kept in Secy C

RAS 2 of 30-31

Note—Contn. Sheet

WD 02328---GPB---10,000---22-4-30

R.A. 32 of 30-31

App. F. III—2]

General and Revenue Secretariat | File No. | of 193

Serial No.

Letter No 1106 dated 16th Jan 1931 from the Mysore Commr forwarding a copy of the Communication received from the Swamigalu of Sri Bhimanakatte Matt, a copy of the reply sent to him, and stating that there seems to be no need for the to engage a separate Counsel and requesting to.

(1) It is seen from the Communication addressed to the Mysore Commr by Sri Swamigalu of Bhimanakatte Matt, Thirthahalli Taluk, the Swamigalu had represented that Rs 1500/- should be placed at the disposal of his Advocate to take further proceedings in the 2 Cases viz R.A. 16 of 30-31 (Vedamurthy Balakrishna vs Govt of Mysore) and R.A 32/30-31 appeal filed in the H.C. against the decree passed in O.S. 1 of 26-27 (Jarvis Samaj Bank Ltd vs DC on the file of the Sub-Judge), arising in respect of the Matt.

(2) In the former Case Govt. Ad. has already been requested to appear for Govt, and intimate the progress of the Case. In the latter Case appeal has been preferred at the instance of the Govt, and a copy the memorandum of the appeal has been

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

3-67/30 1010

File No. of 193 General and Revenue Secretariat

filed before the H.Ct. against the decree passed in the O.S., has been received by the Govt. A.D.

3) Thus it can be seen how the Case have been very well defended by the Govt. and in fact the Mag. Comm^r has given a suitable reply to the Swami stating that Govt being interested in defending both the appeals, there seems to be no need for the Swami to engage a separate Counsel to defend them.

ISD 19/1

4) In both the appeals Govt have taken proper steps to guard the interests of the Bhimanakatte Mutt. There is therefore no necessity for the Swami to spend any money for a separate Counsel & the Mag. Comm^r is also of the same

OFFICE OF THE THIRD MEMBER EXECUTIVE COUNCIL
21 MAR 1931
No. 3943

Legal^r 5) 19.1.31

6) Draft is submitted for consideration
21/1/31. H. Seey)

7) 21.1.31

8) Issued

General and Revenue Secretariat | File No. | of 193

Serial No.

Sohc no. 1664 & 22-1-31 agreeing with him that there is no need for a separate contempt

1) Submitted for orders as to whether this may be transferred to the Law Secy with reference to the 3rd Member's order on the draft re Cross appeals

MSK
22/1/31. Fl. Secy

11)

22.1.3

12) Alright.
22.1.31

13) Law Secretariat

14) I have put up a draft to the Govt Advocate requesting him to appear for the respondents in RA 32 of 30-31 in the High Ct, the appeal filed by Jawahir Bank against the Prop-decree of the Sub-Judge Shimoga in O.S.1 of 26-27

23/1/3

15) Dft put up accordingly
TSD

16) Revised Draft put up is for approval - Refer. 3rd member's orders ~~on~~ dated 21.1.31 (Flag T)

Legal Asst

23/1/31

17) 22/1

18) May this come ?
TSD
29/1

19) 29.1

NOTE—Contn. Sheet

WD 02553—50,000—GPB—37 30

To

The Govt. Ad

No. P. 4077 dated 30.1.31 requesting to appear for the respondent in the Cross appeal 32/30-31 arising out of the H.C. of Mysore and report the result there of.

To

20) Mysore Br. for perusal & return

ISD 2/2

21) MM 2/2

(22) Submits for perusal. Reply from the Govt Advocate re: Cross-appeals Kashem Sahib & the Assessee. D. 1069 -

Letter no 1406/27-28 of 3-2-31 from the Mysore Commissioner submitting copy of letter no 477 of 27-2-31 from the Government Advocate stating that time for filing Cross objections against the decision of the Hon'ble Judge Shivappa in the Succession case has long ago expired and requesting that Govt Advocate may be instructed to appear in the two appeals and conduct the defence on behalf of the Swamiyar of Sri Bhimanakadae Matt also.

1010
1092

General and Revenue Secretariat | File No. of 193

Serial No.

23 This will now be referred to Law Secy to take necessary action - vide para 2 of the P. & D.

R-S N&L
4/2/31

4.2.31

To Secy

4/2

To Law Secy.
N&L
5/2/31.

27

5/2

28 Dft to the Govt. Advs

ISD
5/2/31 Govt Advs: has already been instructed to appear in the cross appeal vide P4527 dated 30.1.31/-

30 Copy of it may be sent to the Hon'ble for info.

5/2

Issued Memo No. P. 4796 dated 30th Dec 1931.

NOTE—Contn. Sheet.

WD 02553—G PB—50,000—8-7 30

1090
1092

3963
3917

File No. of 193 General and Revenue Secretariat

Letter no 500 dated 5th Feb 1931 from the Govt Advocate stating that he would appear on behalf of the respondent in R.A. 32/30-31 a file of the H. Ct. and do the needful in matter.

Mlig. Br for perusal & return

ISD 4/2

DRL 4/2

SV Submit for perusal before returning the file — (Reference to para 25).

SS 11/2

H. Seeq)

13.2.31

BJHS 17/2

WS

34) D/o Labour Welfare)

SS 11/2

Memo no 475 dated 27th Jan 1931 from the Govt Ad forwarding a Copy of the letter 477 dated 27th Jan addressed to the Mlig. Court the matter of R.A. 32/30-31 and 16/30-31 the file of the H. Ct.

35) As the time for filing cross objections in R.A. 16 of 30-31 has long ago expired Govt. Ad. says that there is no more to be done except Conducting the appeals on behalf of the parties authorised him to appear

36) for perusal

ISD 17/2

Seq

DRL 17.2

17/2

SS) Linked) Sus C to await the progress of the case

ISD 23/2

DRL 23/2

General and Revenue Secretariat

7143. File No. of 193

Serial No.

L. Tlr no 1406/27-28 dy 28/2/31 from the Inam Commissioner requesting orders to permit the Swami of the Sri Bhimanakatte Matt to engage a Separate Counsel in the Circumstances stated therein.

3) Subs for orders. Kind dept^s attention invited to letter no 1664 dy 22/1/1931 to M.C. on the Subject stating that there is no need for the Swami to spend any money on a Separate Counsel

flag 'C'

6491

5/3 H. Lees) 5.3.31

4) 1st member 5/3/31

Note 7.3.31. 4) Issue bout cut to advocate to file vakalat for RA 6 of 30.31 by 27th inst. in the meantime

62 Necessary files are put up.

T.S.O. 7/3.

5) There were two suits in the Dt Ct, Shimoga relating to the Bhimanakatte Matha

i) O.S. 6 of 25.26, which was about the Succession to the Peeta.

ii) O.S. 1 of 26.27 filed by Jawali Bamma for recovery of certain moneys due on promises executed by the late Swami.

Since the Matha is under Government management, Govt was also defendants in both the

Note—Contn. Sheet

WD 02328—GPB—10,000—22-4-30

Serial No.

Case

The 1st suit O.S. 6 of 25-26 was dismissed and an appeal R.A. 16 of 30-31 has been filed by the plaintiff in the suit & Govt is the 1st respondent and the Swami is the 2nd in the appeal. The Govt Advocate is appearing for Govt in the appeal. Since the interests of Govt do not in the least conflict with those of the Swami, the G.A may appear for the Swami also & if approved instructions will be issued accordingly.

In the 2nd suit O.S. 1 of 26-27, a partial decree was passed in favour of the Jawali Bank and Govt have filed an appeal from it making the Bank as the 1st respt & the Swami as the 2nd. The Bank have also appealed in R.A. 32 of 30-31 and have impleaded both the Govt & the Swami as respondents. The Govt Advocate is appearing for Govt in both these appeals.

Since the decree appealed from in this case proceeds on grounds common to both the defendants, the Appellate court has power under order 41 rule 4 C.P. Code to reverse or vary the decree in favour of both the defts, even on an appeal filed by one of them.

Case 81-30 placed below

L206

App. F. III—2]

General and Revenue Secretariat | File No. of 193

Serial No.

Since the Govt Advocate is appearing in the ~~two appeals~~ appeal from O.S. 1 of 26.27 for Govt as appellant & the Swami is a respondent, it may not be proper for the G.A to appear for the Swami also in these two appeals. Either the Swami may be transposed as an appellant instead of being a respondent in the case & the G.A instructed to appear for him in the appeals or the Swami may be allowed to engage a separate counsel as desired by him. The latter would involve unnecessary expenditure on the suit.

Order I rule 10 & Mulla page 429.

It should however be pointed out that in all the three appeals, ~~if~~ even if the Swami is unrepresented, his interests are quite safe in the hands of the Govt Advocate who appears for Govt in the case & especially since the interests of the Swami are the interests of Govt also in the case.

Legal Rr

7.3.31

(1st member)

The Swami is insolent that he should have his own Counsel and I think this is a matter in which we may comply with his request. 10.3.31

Note—Contn. Sheet

It is necessary to form the suit that it will have to bear the cost of engaging two lawyers

RECEIVED 10 MAR 1931 No. 328

WD 02328—GPB—10,000—22-4-30

1190 4200

File No .of 192

General and Revenue Secretariat

Serial No.

45 Muzarai Branch with compliments for further action

Dorf
11/3.

46) Draft in submission adso (Ch. f. para 44) (Mark Fl. Secy) for perusal
12/3/31 47) Before Issue

13.3.31

48) 13.3.31

49 Issue

13.3.31

No. 2024 dt 14.3.31 to the Muzrai Commissioner stating among other matters that the request of the Swamigal of the Mutt may be complied with.

50) The file may now be returned to Law Dept

2nd Mark 16/3

51 yes

17.3.31

Limited for ref. R.A. 16/3/31
= separate

Sec C to await progress of case

52 Note-Contn. Sheet

Dorf 18/3

TSD 18/3

1907

App. F. III—2]

General and Revenue Secretariat | File No. | of 193

Serial No.

Letter no 1406 dated 17th April 1931 from the Mng. Comm^r requesting to instruct the Govt. Advocate to keep the prohibitory order obtained by the Javali Samaj Bank, in abeyance pending disposal of the appeal.

53 The authorities of Javali Samaj Bank have filed an application to execute the decree passed in O.S. no. 1 of 1926-27 on the file of the Sub. Judge Shimoga, and have obtained a prohibitory order in respect of the Amanat of the Bhimana Katte Mutt in Govt. Savings Bank and other funds. ~~Govt.~~ ~~Advocate~~ Mng. Comm^r request to instruct the Govt. Ad. to move the H. Ct to keep the prohibitory order in abeyance till the disposal of the appeal

54 Dft to the Govt. Ad. is put up.

ISD 21/4

55 Clean draft, please

BNP 21/4

56) Typed dft sub^d

ISD. 22/4

57) Draft to Govt Advocate may be approved

Legal R^r BNP 21.4.31

58) Approved P.V. 22/4

59) Issue BNP 22/4

NOTE—Contn. Sheet.

WD 02553—G.P.B—50,000—8-7-30

File No. 463 of 1930-1 General and Revenue Secretariat

To

The Govt. Advocate

No. P. Govt. dated 24.4.31 requesting to give the Govt. to set aside the prohibitory order issued and stay further execution of the decree of the Lower Court pending disposal of appeal in R.A. 26 of 30-31

OFFICE OF THE FIRST ... 2 1931 No. 1380

To

60) Hon. Br. for perusal & return

ISD 29/4

61) The letter from the Govt. Advocate that necessary orders of the High Court have been obtained is submitted for perusal

MSK 27/4/31 H. Secy) 62) VS 27.4.31

63) 1st Member) h 28/4 VS

64) The Hon'ble Member of Commerce for orders on the points raised in P. G. D. dated 24.4.31 Ref. para 4

G.S MSK 29/4 H. Secy) 65) VS 29.4.31

66) 1st Member) h 29/4/31 VS

67) The M-es proposals may be approved

1st Member) h 29/4/31 VS

68) MSK 30/4/31 h VS

69) Put up

70) Please put up a typed draft

VS

MSK 1/5

Letter No. 1406/27-28 G, dated 20.4.31 from the Hon'ble Commissioner stating that the contention of the Swamigal of Sri Bhimanakotte Mutt that he was not liable to pay the fees of the Govt. Advocate is untenable and requesting sanction of advance Rs. 1000/- to Dewan T. G. Narasinga Iyengar Advocate for the Swamigal

M. C. 13]

No. 1406 2w2 27-8 pwg. D No. 1010

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, 15th January 1931

16

FROM Y. Narasinga Rao, Esq., B.A., B.L.,
~~Sx Rx Rx Rx Rx Rx Rx Rx Rx Rx Rx Rx Rx~~,
Muzrai Commissioner in Mysore.
In Charge.

17 JAN 1931

To

Rajasevaparayana
B. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to Government of His Highness
the Maharaja of Mysore,
Financial *Department.*

SIR,

I have the honor to submit herewith for kind information of Government copy of a communication dated 8th January 1931 received - from the Swamigalu of the Sri Bheemanakatte Matha and of the reply sent to him in the matter defending the appeals said to have been -- filed by the Javali Family Bank and Ved. Balakrishna against the -- decision of the Sub Judge, Shimoga in O.S.No.1 of 1926-27 and of the - District Judge, Shimoga Division, in O.S.No.6/25-26, respectively. An appeal against the former has already been filed in the High Court of Mysore and notices in the appeals said to have been filed by the parties have not been received till now. As Government are ------- interested in defending both the appeals, there seems to be no need for the Swami to engage a separate counsel and defend them.

M.C has already replied to the Swamis as above - Matter, Law Secy may also be Consulted in the matter

SS MSR 17/1 H. Secy) 17.1.31

I have the honor to be,

Sir,

Your most obedient servant,

Yaccasinga Rao

Muzrai Commissioner.
In Charge.

To L. R with Compliments for advice. 17.1.31

Representation dated 8-1-31 from the Swamigalu of Sri Bhimanakatte, Mutt, Tirthahalli Taluk to the Muzrai Commissioner in Mysore.

Two appeals have been filed against the undersigned in the High Court of Mysore. The one is R.A.16/30-31 on the file of the High Court against the decree of the District Judge, Shimoga, in O.S.6/25-26 at the instance of one Vedamurthy Balakrishna and the other is R.A.32/30-31 on the file of the High Court against the decree of the Sub ordinate Judge, Shimoga, passed in O.S.1 of 1926-27 on the file of his court, at the instance of the Javali Bank Ltd., Tirthahalli.

Both these appeals are of great concern to us. In the 1st appeal abovenamed viz., R.A.16/30-31 the very foundation of our right to the presant Peetha is questioned, and we have got also to prefer a cross appeal as to the costs allowed to us in the Lower Court for it has been awarded only as a fixed fee instead of being ad valorem on the value of the suit.

In the other appeal viz., R.A.32/30-31 the Javali Bank has appealed to the extent of nearly Rs.5000/- being the balance of the suit amount in O.S.1/26-27 on the file of the Sub Court, to which extent the suit had been dismissed. In this appeal also it is necessary for us to prefer a cross appeal on the amount decreed which will be ------ approximately Rs.3000/-.

Thus it is urgent that we should provide our Lawyer with some funds on account of the 2 above said appeals and for filing the cross appeals. We have given instructions to our Advocate Mr.T.G. Narayana Aiyangar, who conducted both the cases for us in the Courts of First instance to make arrangements for appearances on our behalf in the High Court.

As an urgent measure it is needed that a sum of Rs.1500/- should be placed at the disposal of our Advocate and I accordingly desire that this amount may be arranged to be paid to Mr. T.G.Narayana --- Aiyangar, Advocate, Shimoga, at once. As time is likely to expire very soon for cross appeals have got to be filed within 30 days after service of appeal notice and the notice was served in the latter appeal on 25th December 1930 and the notice in the former appeal even before

that date, immediate instructions for effecting the payment may be kindly issued.

"C o p y".

Rai Bahadur

for Mukrai Commissioner.

ఈ.ఇ.మల్లీశ్వరమ్మ చరిత్రాత్మకం పొందుపరిచారు.

ఉపోద్ఘాతంలో దాంతిశర్మ గారి ప్రేమమద్ది ఆమె రచన మనిన్యం. మరియు ప్రేమమద్ర ఫేమ్ మలశిల్పం శిల్పకళా ప్రాధాన్యతలు వంగ్యవ శవమషీమల్లే

మ్మెసూరు సామ్రాజ్యం ముఖ్యంగా ఆంధ్రులకు ఏర వరుసగా పోషణ లభించాయి.

కాన్పరిపోషణలో 8-1-31 నాటికి మల్లీశ్వరి శిలాత్మాయి అవుతుంది

కాళిదాసు శాకుంతలం మిలా ప్యాంటసీ కథనం ప్రేక్షకుల్ని ఆకట్టుకుంది నాలుగు సంపుటాలలో ఉన్న ఈ కథలో ఎక్కువ మంది ఉపయోగించిన శిల్పం ఫ్లాష్ బ్యాక్ పద్ధతి. ఈ ఉత్తరాలన్ని నటనలు కాదు కానీ ఉద్వేగభరితమైన సంభాషణలు పొందుపరిచారు. వర్తమానంలో ఉన్న పాత్రలు గతాన్ని నెమరువేసుకోవడం ద్వారా కథ ముందుకు సాగుతుంది. ప్రేమమద్ది ఆమె రచనలో ఉన్న ఉత్తరాలు కథలో ప్రధాన పాత్రలు ఉత్తరాలు రాసుకోవడం ద్వారా కథ ముందుకు సాగుతుంది. ఈ ఉత్తరాలు కథలో ప్రధాన పాత్రలు ఉత్తరాలు రాసుకోవడం ద్వారా కథ ముందుకు సాగుతుంది. ఈ ఉత్తరాలు కథలో ప్రధాన పాత్రలు ఉత్తరాలు రాసుకోవడం ద్వారా కథ ముందుకు సాగుతుంది.

తాత్వ నాయుడు దుబాయి వెళ్ళడం వల్ల ఉత్తరాల కథలు ఏర్పడ్డాయి. కానీ ప్రధాన సంబంధం చక్కబర్చడానికి ఉత్తరాలు రాసుకోవడం వల్ల కథలు పుట్టుకొచ్చాయి. ఆ తర్వాత వచ్చిన ఉత్తరాలు కథలు శ్రీవల్లి తర్వాత వాగ్దానం లాంటి కథలు ఉత్తరాల ద్వారా కథ ముందుకు సాగడం వల్ల ఈ పద్ధతి ఎక్కువ మంది రచయితలు ఉపయోగించారు.

5

(Sd.) Y. Narasinga Rao
D/c. Murari comm.

a Copy

Rd Thirumalai Rao

Sri Murari Comm

6

1664
Muzr

22nd Jan. 31.

Rajaseva parayana

The Muzrai Commissioner in Mysore,
Bangalore.

With reference to your letter No. 1406 of 1927-28 dated the 16th January 1931 in the matter of engaging the services of Mr. T.C. Narayana Iyengar, Advocate, Shimoga, for the defence of two appeals filed against the Swami of the Sri Bhimanakatte Mutt in the High Court of Mysore, I am directed to state that as Government have taken proper steps to guard the interests of the Mutt there is no necessity for the Swami to spend any money for a separate Counsel.

The Government Advocate may also be requested to take necessary action in regard to the cross appeals referred to in the communication of the Swamigalu, Copy of which will be forwarded to him if there are good grounds.

I have the honor to be,
Sir,
Your most obedient servant,

V Subramanyaiah

for Secretary to Government,
Financial Department.

RS

C.R.G.3.

Appendix F G—1

SUBJECT.....

.....

.....

Section

File No.

Serial No.

No. 1656

Diary No. of letter replied to.....1010.....

General and Revenue Secretariat

( )

the *193* .

To The Mysore Commr

Date of issue.....22/1/31.....

Signed by.....Mr V. S Sastri.....

Sir,

With reference to your letter No. 1406/27-28 dated 16-1-1931 in the matter of engaging the services of Mr H. Narayana Gowda Advocate, Shimoga for the defence of 2 appeals filed against the Swamis of the Sri Bhimankatte Mutt in the High Court of Mysore, I am directed to state that Government have

[over

List of enclosures.....

Copied by.....

Examined by.....

WD 02559—GPB—25,000—25-6-30

8

proper
taken ~~necessary~~ steps to
guard the interests of the
Court and agree with
you that there is no necessity
for the Swami to spend
any money for a Separate
Counsel

I have the
honour to be
Sir
Your most obedient
servant

21-1-31

21.1.31 Secy to Govt.
JC Dept.

The Govt Advocate
may also be requested to
take necessary action in
regard to the case referred to in the
Communication from the
Secretary the
copy of which will
be forwarded when
if there are Court
proceedings

No 1667 of 23-1-31.
Copy of the above is forwarded with
compliments to the Govt Advocate
for information

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. J 4527 Laws *Dated, Bangalore,* 30th January 1931.

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

The Government Advocate,
Bangalore.

Sir,

With reference to your letter No. 434 dated 10th January 1931, regarding the appeal filed by you from the judgment and decree of the Subordinate Judge, Shimoga in O.S. 1 of 26-27 (Javali Bank Vs Bhimanakatte Mutt), I am directed to state that it is reported that the Javali Bank has also filed an appeal in the same case and that it is numbered as R.A. 32 of 30-31 on the file of the High Court of Mysore. I am to request you to appear for the respondent in this cross appeal and report the result thereof to Government in due course.

I have the honor to be,

Sir,

Your most obedient servant,

For Legal Remembrancer and
Secretary to Govt. Law Deptt.

ISD

c.n.

Appendix F G—1

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat
( )
the *193*

Date of issue 30/1/31

Signed by Mr NAJ

List of enclosures.....

Copied by Pai 31/1

Examined by.....

Section

File No.

Serial No.

No. 452

To

The Govt Advocate

Sir,

With reference to your letter No: 434 dated 10th January 1931, regarding the appeal filed by you from the Draft decree of the Subordinate Judge, Shimoga in O.S. 107-26-27 (Jawali Bank vs Bhimanakatte Mutt), I am directed to state that it is reported that the Jawali Bank has also filed an appeal

[over

WD 02559—GPB—25,000—25-6-30

in the same case & that it is numbered as R.A. 32 of 1931 on the file of the High Court of Mysore. I am to request you to appear for the respondent in this Cross appeal and report the result thereof to Govt in due course —

I have the

Dy.

Legal Asst

23/1/31

M. C. 13]

No. 1406 Ext. 27-8

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE.

GENL. & REV. SECTT. 4 1092 MUZRAI.

12

Bangalore, 2nd February ..... 1931.

3.

4 FEB. 1931

FROM

S. P. RAJAGOPALACHARI, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

To

Rajasevaparayana
B. Srinivasa Iyengar, Esq., B.A., B.L.,

Secretary to Government of His Highness
the Maharaja of Mysore,
Financial Department.

SIR,

With reference to correspondence ending with your letter No.1664/Muz dated 22nd January 1931 in the matter of defending the two appeals filed against the Swamigalu of the Sri Pheemanakatte Mutt in the High Court of Mysore, &c., I have the honor to submit herewith copy of letter No.477 dated 27th January 1931 from the Government Advocate, opining that there is no necessity to file cross objections against the decree passed in favour of the Javali Family Pank and that time for filing cross objection against the decision of the District Judge, Shimoga, in the succession case has long ago expired and there is no use in filing them on behalf of Government.

In this connection I request that the Government Advocate may be kindly instructed to appear in the two appeals and conduct the defence on behalf of the Respondent. Swamigalu also.

I have the honor to be,

Sir,

Your most obedient servant

Yaraasuga Rao

For Muzrai Commissioner.
(Absent from Headquarters)

AM/

Letter No.477 dated 27-1-31 from the Government Advocate in Mysore, to the Muzrai Commissioner in Mysore.

With reference to your letter No.C.1406/27-28 dated the 24/26th January 1931, enclosing copies of certain correspondence, for action being taken in the matter of filing Cross-objections in Regular Appeals -- No.32 of 1930-31 and No.16 of 1930-31, on the file of the High Court of Mysore, I have the honor to state that so far as Regular Appeal No.32/30-31 is concerned, a Regular Appeal has already been preferred on 15th December 1930, on behalf of the Deputy Commissioner of Shimoga, (who was the 1st defendant in O.S. No.1/26-27, on the file of the Subordinate Judge, Shimoga) against the decree passed in favour of the Javali Family Pank, and there is no necessity to file cross-objections.

As regards Regular Appeal No.16 of 1930-31 which has been filed in the High Court by one Balakrishna against the decree of the Distric Judge, Shimoga, dismissing his suit in O.S. No.6 of 1925-26, the ~~Govern~~ Government of Mysore represented by the Chief Secretary is the 1st Respondent and I have been authorised to appear for Government in Law Secretary's letter No.P.2525/Law 54-30-3 dated the 5/6th November 1930 The time for filing cross-objections has long ago expired and there is no use in filing them now on behalf of Government. From the copy of the letter dated 8-1-31, addressed to you from Sri Raghutilaka Tirtha Swamigalu of Phimanakatte, Tirthahalli Taluk, it is clear that the time even for the Swamigalu to prefer cross-objections must have expired.

Under these circumstances, I do not think there is anything further to be done in both appeals except conducting them on behalf of the parties who have authorised me to appear, namely, the Deputy Commissioner, Shimoga, (1st Respondent in R.A.32/30-31) and the Government of Mysore, represented by the Chief Secretary, (1st Respondent in R.A.16 of 1930-31).

"COPY"

Yrcarasuiga Rau

For Muzrai Commissioner.

P 4527 730/31

The Government Advocate,

Bangalore.

With reference to your letter No.434 dated 10th January 1931, re. the appeal filed by you from the Judgement and decree of the Subordinate Judge, Shimoga in O.S. 1 of 26-27 (Javali Bank Vs. Bhimasana Katte Mutt), I am directed to state that it is reported that the Javali Bank has also filed an appealin the same case and that it is numbered as R.A.32 of 30-31 on the file of the High Court of Mysore. I am to request you to appear for the respondent in this cross appeal and report the result thereof to Government in due course.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/ P. Mahadevayya.

Legal Remembrancer and
Secretary to Govt.,
Law Department.

Memo.No. P 4796 0/10 2/31

Copy of the above is forwarded with compliments, for information to the Muzrai Commissioner in Mysore, with ref. to his letter No.1406/27-8 dated 2/3rd February 1931.

By order,

For Legal Remembrancer and
Secy.to Govt., Law Dept.

3917/1930/5

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

In reply please refer to
No. 500

Tel. Address:—
"JURIST," Bangalore.

Bangalore.....5th February.....*19*31.

FROM

M. RAMACHANDRA RAO, ESQ., B.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

To

The Secretary to the Government
of H. H. The Maharaja of Mysore,
Law Department, BANGALORE.

SIR,

With reference to your letter No. P.4527/Law. dated the 30th January 1931 authorising me to appear on behalf of the -- Respondent in Regular Appeal No. 32 of 1930-31 on the file of the High Court of Mysore, (Javali Bank, VS. Sri Bhimanakatte Mutt) I have the honor to state that I shall appear in the case as desired, and do the needful in the matter.

2. The result of the case will be intimated to you as soon as it is disposed of.

I have the honor to be,
Sir,
Your most obedient servant,

M. Ramachandra Rao

Government Advocate.

8289/2
Laws 6/2

CSN.

3963 16

In reply please refer to
No. 477

Tel. Address :—
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore 27th January 1931.

From

The Government Advocate
in Mysore, Bangalore.

To

The Muzrai Commissioner
in Mysore, Bangalore.

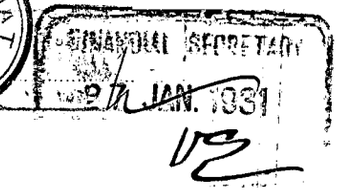
Sir,

With reference to your letter No. C. 1406/27-28 dated the 24th/26th January 1931, enclosing copies of-certain correspondence, for action being taken in the matter of filing Cross-objections in Regular Appeals - Nos.32 of 1930-31 and 16 of 1930-31, on the file of the High Court of Mysore, I have the honor to state that so far as Regular Appeal No. 32/30-31 is concerned, a Regular Appeal has already been preferred on 15th December 1930, on behalf of the Deputy Commissioner of Shimoga, (who was the 1st defendant in O. S. No. 1/26-27, on the file of the Subordinate Judge, Shimoga) against - the decree passed in favour of the Javali Family Bank, and there is no necessity to file cross-objections.

2. As regards Regular Appeal No. 16 of 1930-31, - which has been filed in the High Court by one Balakrishna against the decree of the District Judge, Shimoga, dismissing his suit in O. S. No. 6 of 1925-26, the Governmen of Mysore represented by the Chief Secretary is the 1st Respondent and I have been authorised to appear for - Government in Law Secretary's letter No. P. ~~25~~ 2525/Law. 54-30-3, dated the 5th/6th November 1930. The time for filing cross-objections has long ago expired, & there is no use in filing them now on behalf of Government. -

From

3963/30 P



From the copy of the letter dated 8-1-1931, addressed to you from Sri Raghutilaka Tirtha Swamigalu of Bhimanakatta ~~Mxkk~~, Tirthahalli Taluk, it is clear that the - time even for the Swamigalu to prefer cross-objections must have expired.

3 Under these circumstances, I do not think there is anything further to be done in both the above appeals except conducting them on behalf of the parties who have authorised me to appear, namely, the Deputy Commissioner, Shimoga, (1st Respondent in R. A. 32/30-31) and the Government of Mysore, represented by the Chief Secretary, (1st Respondent in R. A. 16 of 1930-31)

I have the honor to be,
Sir,
Your most obedient servant,

Sd/- M. Ramachandra Rao.
Government Advocate.

Memo No. 478

Dated. Bangalore, the 27th January 1931

Copy of the above is forwarded, with compliments, to the Secretary to Government, Financial Department, (Muzrai) for information, with reference to his letter No. 1667 dated the 23rd January 1931.

M. Ramachandra Rao
Government Advocate.

No 1010 was transferred to Law Secty on 27/1/3
in continuation of appl, this may also be sent there.
after perusal

9-2-3

9.2.31

Law Secty)

M. C. 13]

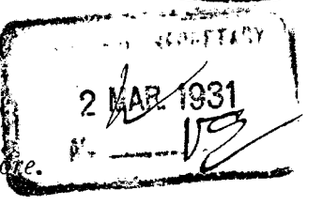
4206/30

No. 1406 Mysore
27-8

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE.

Bangalore, 27th February 1931

28



FROM

S. P. RAJAGOPALACHARI, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

To

Rajasevaparayana
B. Srinivasa Iyengar, Esq., B.A., B.L.,

Secretary to Government of His Highness
the Maharaja of Mysore,
Financial *Department.*

SIR,

In continuation of this office letter No.1406/27-28 dated 3rd February 1931, in the matter of defending the two ---- appeals filed against the Swamigalu of the Sri Bhimanakatte Matha in the High Court of Mysore, I have the honor to forward herewith another representation dated 28th January 1931 from the Swamigalu, stating that it is necessary to engage a separate counsel to ---- safeguard the interests of the Matha in the appeals referred to above and that his lawyer has already filed a power on his behalf. The Swamigalu says that he requires Rs.1500/- for payment to his counsel. The Matt, had at its credit a cash balance of Rs.1160-0-9 on 1st January 1931 and a sum of Rs.36900/- in investments in 5% State Loan Bonds of 1955. The Swamigalu appears to be very keen in having a separate counsel though the Government have made all arrangements to safeguard his interests and though his proposal would mean that the Matt would be saddled with double the costs. In the circumstances it may be desirable to permit the Swamigalu to engage a separate counsel as the responsibility will not rest with Government in the event of the appeals going against the Swamigalu. I solicit early orders of Government in the matter.

To
Law Asst for
Kindly Instruct
with the Connected
File.
Q.S.M.
2/3

Connected file
& put up.
ISD
4/3
To Muz. Br.

I have the honor to be,
Sir,
Your most obedient servant,

S/ P. Rajagopalachari

Muzrai Commissioner.

IMMEDIATE.

RE 2024
Rec 1

14th March 31.

The

Financial xxxxxxx

The Muzrai Commissioner in Mysore,
Bangalore

Adverting to correspondence ending with your letter No. 1406 of 1927-28 dated 28th February 1931 requesting orders of Government to permit the Swamigalu of the Sri Bhimanakatte Mutt to engage a separate counsel to conduct the defence of the appeals filed against him in the High Court of Mysore, I am directed to state that the request of the Swamigalu may be complied with. I am however to add that the Mutt should be informed that it will have t bear the cost of engaging two Lawyers - Viz., the Govern ment Advocate and the Counsel engaged by the Swami on own responsibility. The Srimukha of the Swami is re-

turned

returned herewith.

I have the honor to be,
Sir,
Your most obedient servant,

Sd/- B. Srinivasa Iyengar,

Secretary to Government,
Financial Department.

Memo No. 2025 dated, Bangalore, the 14th March 1931.

Copy of the above is forwarded with compliments to the Comptroller.

V Srinivasaiyengar

Secretary to Government,
Financial Department.

C.R.C.3.

Appendix F G—

SUBJECT:.....

.....

.....

Diary No. of letter replied to..1190.....

General and Revenue Secretariat
( )
the *193* .

Date of issue..14.:.3:.31.....

Signed by..Dm V.S. Secretary.....

List of enclosures.....

Copied by.....

Examined by.....

Section

File No.

Serial No.

No. 2024
Exec I

To The Muz Commr.

Sir,

Adverting to correspondence ending with your Letter No. 1406 y27-2D dated 28-2-1931 requesting orders of Govt to permit the Swamijalu of the Sri Bhimankatte Mutt to engage a separate counsel to conduct the defence of the appeals filed against him in the High Court of Mysore, I am directed to state that the request of the Swamijalu

[over

WD02559—GPB—25,000—25-6-30

may be complied with. I am however ~~to~~ to add that the Math should be informed that it will have to bear the cost of engaging two lawyers, viz the Govt Advocate having been already entrusted with conduct of the appeal on behalf of Govt and the counsel engaged by the Swami on his own responsibility

The Srimukhaz Swami is returned he

I have to

13.3.31

for Secy to Govt
Jl Dept

Memo No 2035 Dt 14.3.1931

By Order

By Comptroller

13.3.31

for Secy to Govt

M. C. 13]

No. 1406 26-4

4963/30 Muz. Dis. No. 1343

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore, 13th April 1931

20 APR. 1931

FROM

S. P. RAJAGOPALACHARI, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

To

Rajasevaparayana
B. Srinivasa Iyengar, Esq., B.A., B.L.,

Secretary to Government of His Highness
the Maharaja of Mysore,
Financial *Department.*

SIR,

In continuation of previous correspondence in the matter of Regular appeal No.26 of 1930-31 on the file ofthe High Court of Mysore (Javali Family Bank vS. Deputy Commissioner of Shimoga, Swami of the Bhimanakatte Matha), I have the honor to forward herewith -- copy of letter No.Muz.A.C.309/26-27 dated 7th April 1931 from the Deputy Commissioner, Shimoga District, stating that the Bank ---- authorities have filed an application to execute the decree passed in its favour by the Sub Judge of Shimoga in O.S.No.1 of 1926-27 and ~~xxx~~ obtained a Prohibitory order in respect of the amounts of the matha held in Government Savings Bank and in loan bonds and to request that the Government Advocate may be instructed to move the High Court to keep the prohibitory order in abeyance pending the disposal of the appeal to avoid the inconvenience pointed out in the concluding portion of the Deputy Commissioner's letter.

A copy of this letter has also bee sent to the Government Advoate with the ~~xxxxxx~~ request that immediate action may be taken in anticipation of Government approval.

I have the honor to be,
Sir,
Your most obedient servant,
S P Rajagopal
Muzrai Commissioner.

The question is being dealt with in the Law Secy.
Submitted, this file may be transferred to Law Secy for immediate necessary action.
20/4
H. Secy)
20.4.31
3/IV
Mr S-D
Please put this file & submit connected to the Govt Advocate with a draft to the
20/4

P 6826 (2) Home 81-30-5

To

The Government Advocate,

Bangalore.

Sir,

I am directed to forward herewith copy of Muzrai Commissioner's letter No. 1406 dated 17th April 1931 with its enclosure stating that the plaintiff in O.S.1 of 1926-27 on the file of the Sub Judge Shimoga (Javaly family Bank Ltd Vs D.C.Shimoga and others) has filed an application to execute the decree passed in his favour and has obtained a prohibitory order in respect of the amounts of the Bhimanakatte Mutt held in Government Savings Bank Ltd. and in loan bonds and to request you to move the High Court to set aside the prohibitory order issued and stay further execution of the decree of the lower court pending disposal of the appeal in R.A. 26 of 1930-31 since otherwise, the legitimate expenses of the Mutt cannot be met.

9 244/31

Action taken in the matter may kindly be intimated in due course.

I have etc.,

Legal Remembrancer and
Secy. Law Deptt.

ISD

c.n.

M. C. 13]

No. 1406 Rev
B-9.527-8

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE, I.R.E.

FINL. & REV. SECRET
21 APR 1931
1403

Bangalore, 18th April 1931.

20

FROM

S. P. RAJAGOPALACHARI, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

FINANCIAL BRANCH
20 APR. 1931

To

Rajasevaparayana
B. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to Government of His Highness
the Maharaja of Mysore,
Financial *Department.*

Muz 293-30-1

SIR,

With reference to correspondence ending with your letter - No.2024 dated 14th March 1931 in the matter of the two regular -- appeals filed against the Swamigalu of the Sri Bhimanakattle Math in the Tirthahalli Taluk, I have the honor to submit herewith Srimukh dated 7th April 1931 received from the Swamigalu stating among other matters, that he will not agree to the Government Advocate's fee being paid out of the matha funds as it is the look-out of the Government to defend the Chief Secretary and the Deputy Commissioner of the Shimoga District who have been impleaded as defendents in the suits and requestin that a sum of Rs.1000/- may be placed at the disposal of Mr. T. G. Narayana Iyengar, Advocate, towards the cost of meeting the expenses in the above appeals and filing cross objections in the Javali Famil Bank case.

529

2. In all cases in which Government officers are impleaded as -- parties it has been the invariable practice to defray the cost of -- defence from the funds of the institutions concerned as the officers of Government are made defendants only because of their connection with the subject matter of the suit in their capacity as the managers thereof. The general tax payer can not be made liable for the suit charges. The Swamigalu's contention that he will not agree to pay the fees of the Government Advocate from the Matha funds is untenable. The Swamigalu will be informed accordingly. Neither can the Government dispense with the services of the Government Advocate in such cases.

26

I request sanction of Government to advance a sum of --- Rs.1000/- to Mr. T.G. Narayana Iyengar, Advocate, on behalf of the Swamigalu, subject to final adjustment on presentation of bills of actual expenditure with vouchers. The charge will be met from the funds of the Institution.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

BNR

5064/27
P 83.1

In reply please refer to
No. 662/30-31

Tel. Address :—
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore. 25th April 1931

From

The Government Advocate
in Mysore, BANGALORE.

To

The Muzrai Commissioner
in Mysore, BANGALORE.

Sir,

In the matter of Regular Appeal No.35/1930-31
on the file of the High Court of Mysore,
(The Deputy Commissioner, Shimoga, -VS-
The Javali Family Bank, Ltd., & others).

With reference to your Memo No.1406/26-7 dated the 17th April 1931 forwarding a copy of your letter No. Nil dated the 13th April 1931 addressed to the Secretary to Government, Financial Department, for making an application to the High Court for the stay of execution of the decree in Original Suit No. 1 of 1926-27, ~~and~~ also the withdrawal of the prohibitory order now passed by the Subordinate Judge, Shimoga, I have the honow to state that an application was filed by me on the 21st April 1931 and an adinterim order has been obtained staying further proceedings in Execution Case No.619/30-31, and also withdrawing the prohibitory order passed by the Subordinate Judge

I have the honor to be,
Sir,
Your most obedient servant,

SD/- M. RAMACHANDRA RAO.

Government Advocate.

CSN/1.

P.T.O.,

28

Memo No. 663/30.m.

Dated, Bangalore 25th April 1931.

Copy of the foregoing is forwarded with compliments, to the Secretary to Government, Law Department, for information with reference to his letter No. P.6826/Law. 31-30-5, dated 24th April 1931.

M. Ramachandra Rao
Government Advocate.

CSN

To
Mis. Br. for favour of putting up
Connected file sent to it on 25/4
ISD 25/4

DRG
27.7

Jain 87

29

Proceedings of the Government of H.H. the Maharaja of Mysore.

Read.-

Correspondence ending with letter No. 1406/27-28 dated 20-4-1931 from the Muz. Commr. stating that the contention of the Swamigalu of the Sri Bhimanakatte Mutt viz: that he will not agree to the payment from the Mutt Funds of the fees of the Government Advocate for the conduct of the defence in the two appeals filed against the Dy. Commr., Shimoga and the Swamigalu of the Sri Bhimanakatte Mutt in the High Court of Mysore is not tenable and that the Swamigalu will be informed accordingly and requesting for reasons stated therein sanction to advance Rs. 1000/- to Mr. T.G.Narayana Iyengar, Advocate engaged by the Swamigalu, subject to final adjustment on presentation of bills of actual expenditure with vouchers, the charge being met from the funds of the institution.

Order No. 2407-8 dated 1st May 1931.

The proposals of the Muz. Commr. are sanctioned.

2.5.31

2/5

Secretary to Govt.,
Finl. Deptt.

1/5/1931

To

The Muz. Commr.
The Comptroller to Govt.

C.R.G.